



274

PATENT

Serial No. 09/703,699

Docket No. 1014-068

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/703,699
Applicant DeCaluwe et al.
Filed November 1, 2000
Title METHOD FOR TRACKING SOURCE AND DESTINATION INTERNET
PROTOCOL DATA
Art Unit 2666
Examiner Robert C. Scheibel

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Craig DeCaluwe, a citizen of the United States, whose full post office address is AT&T Corp, Room 306A, 4513 Western Ave., Lisle, Ill. 60532 sincerely declare as follows:

1. I am a named inventor of the above-identified U.S. Patent Application Serial Number 09/703,699 (the '699 application).
2. Upon information and belief, as will be detailed below, the attached documents evidence that the subject matter of each of the claims of the '699 application was conceived in the United States prior to the effective filing date of United States Patent Application Publication No. US 2002/0131366 (Sharp), which has been cited in a rejection against certain claims of the '699 application.
3. Upon information and belief, as will be detailed below, the attached documents

PATENT

Serial No. 09/703,699

Docket No. 1014-068

evidence that the subject matter of each of the claims of the '699 application was pursued with diligence in the United States from prior to May 17, 2000, the earliest filing date to which Sharp might be entitled, until November 1, 2000, the filing date of the '699 application.

4. Upon information and belief, Attachment A, dated March 21, 2000, includes "Disclosure No. 2000-0020", which describes the subject matter claimed in the '699 application.
5. Upon information and belief, Attachment A evidences that my employer at that time, AT&T, docketed Disclosure No. 2000-0020 on January 10, 2000, and referred that Disclosure to the AT&T Intellectual Property Review Team to consider the patentability of its subject matter.
6. Upon information and belief, Attachment B, which is a letter dated March 21, 2000 from Robert B. Levy of AT&T to Mr. Thomas Jackson of Banner and Witcoff, evidences that the AT&T Intellectual Property Review Team completed its patentability review and decided to proceed with the preparation of a patent application directed to the subject matter of Disclosure No. 2000-0020
7. Upon information and belief, Attachment B informs Banner and Witcoff that "we have a 2-month target date for filing this submission".
8. Upon information and belief, Mr. Thomas H. Jackson, an attorney with Banner and Witcoff acknowledged the receipt of Attachment B on March 24, 2000.

PATENT

Serial No. 09/703,699

Docket No. 1014-068

9. Upon information and belief, Attachment C is a memorandum from Ms. Marilyn M. Davis and Mr. Thomas Jackson of Banner and Witcoff to Mr. Joseph Krause of Banner and Witcoff dated April 21, 2000, and providing information for preparing the '699 application.
10. Upon information and belief, Attachment C includes a note documenting that I had departed AT&T by April 28, 2000 and allowing Banner and Witcoff a six month time extension for filing due to my unavailability.
11. Upon information and belief, Attachment D is a facsimile transmittal of a draft of the '699 application dated July 17, 2000.
12. Upon information and belief, Attachment E, which is a letter dated August 9, 2000 from Robert B. Levy of AT&T to Mr. Joseph Krause of Banner and Witcoff, informs Banner and Witcoff of suggested revisions to the draft application.
13. Upon information and belief, Attachment F, which is a memorandum dated October 6, 2000 from Mr. Joseph Krause of Banner and Witcoff to me, provides a draft of the '699 application for my review.
14. Upon information and belief, Attachment G is a memorandum from Ms. Christine Jaszowski of Banner and Witcoff to Mr. Robert B. Levy of AT&T dated October 10, 2000, providing a final draft of the '699 application.
15. Upon information and belief, Attachment H is a letter from Ms. Ann E. Taylor of AT&T to Mr. Thomas H. Jackson of Banner and Witcoff dated November 1, 2000,

PATENT

Serial No. 09/703,699

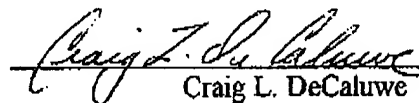
Docket No. 1014-068

informing Mr. Jackson of the submission of the '699 application to the United States Patent and Trademark Office.

16. Thus, upon information and belief, each of Attachments A, B, C, D, E, F, G, and H evidences diligence in the pursuit of that the '699 application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 3rd day of June, 2004


Craig L. DeCaluwe